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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 CHARLES M. EWING,

8 Petitioner,

9 v.

10 JEFFREY A. UTTECHT,

11 Respondent.

No. 3:19-CV-5957-RJB-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge David
13 W. Christel, no objections to the Report and Recommendation having been filed, and the
14 remaining record, does hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation (Dkt. 15).
16 (2) Petitioner's federal habeas Petition is dismissed without prejudice.
17 (3) A certificate of appealability is denied in this case.
18 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for
19 Respondent, and to the Hon. David W. Christel.

20 **DATED** this 13th day of February, 2020.

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23 ROBERT J. BRYAN
24 United States District Judge
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